



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,370	12/27/2000	Yoshiyuki Ito	826.1654	3850

21171 7590 05/04/2005
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT PAPER NUMBER

2165

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,370

Applicant(s)

ITO, YOSHIYUKI

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. The amendment filed on November 16, 2004 has been received and entered. Claims 5-8 have been added. Therefore, claims 1-8 are pending.

2. Claim objection to Claims 2 and 3 is hereby withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Wherry et al. (U.S. Pub. No. 2002/0038273 A1).

As to claim 5, Wherry et al. discloses a method for extracting information from a database in response to a request for the information (See Wherry et al. 5, paragraph 0052), comprising:

converting at least one of a plurality of kinds of requests into a an extensible markup language format referring by to the database (See Wherry et al. page 5, paragraph 0048).

As to claim 6, Wherry et al. discloses wherein said converting is performed in a function called up from application software (See Wherry et al., and

wherein said method further comprises returning results in the extensible markup language format from the function the application software (See Wherry et al. page 5, paragraphs 0046-0047).

As to claim 7, Wherry et al. discloses wherein the application software and the function are executed by a server having access to the database (See Wherry et al.

As to claim 8, Wherry et al. discloses wherein the database stores XML tags in tables, including at least one table indicating at least one relationship between data in independent tables by defining at least one relationship between the XML tags in the independent tables (See Wherry et al. page 5, paragraphs 0049-0052, wherein "independent tables" reads on "database").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent No. 6,658,625 B1) in view of Wherry et al. (U.S. Pub. No. 2002/0038273 A1).

As to claim 1, Allen discloses an information extraction device for extracting information corresponding to a request from a database, comprising:

a function called up from application software, for converting a plurality of kinds of requests into requests in an XML format by referring to a database and returning results (See Allen column 14, lines 33-51, and see Allen column 33, lines 37-57, also see Allen column 2, lines 3-42, prior art).

Allen does not teach returning results of the requests from the database.

Wherry et al. teaches returning results of the requests from the database (See Wherry et al. page 5, paragraph 0049).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Allen to include returning results of the requests from the database.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Allen by the teaching of Wherry et al. to include returning results of the requests from the database because it creates compatibility and uniformity in the data and allows for ease of monitoring of the data (See Wherry et al. page 1, paragraph 0008).

As to claims 2, and 3, Allen as modified discloses wherein a list of requests related to the generated requests in an XML format that can be arbitrarily selected and set, is linked and provided (See Allen column 6, lines 16-67, and see Allen column 8, lines 10-47).

As to claim 4, Allen discloses a computer-readable storage medium on which is recorded a program for controlling a server to perform a process comprising:

extracting information corresponding to a request from a database as an information extraction device and converting a plurality of kinds of requests into requests in an XML format by referring to a database as a function called up from application software (See Allen column 14, lines 33-51, and see column 33, lines 37-57, also see Allen column 2, lines 3-42, prior art).

Allen does not teach returning the information extracted from the database by the request.

Wherry et al. teaches returning the information extracted from the database by the request (See Wherry et al. page 5, paragraph 0049).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Allen to include returning the information extracted from the database by the request.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Allen by the teaching of Wherry et al. to include returning the information extracted from the database by the request because it creates compatibility and uniformity in the data and allows for ease of monitoring of the data (See Wherry et al. page 1, paragraph 0008).

Response to Arguments

7. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Shen et al. (U.S. Patent No. 6,401,059B1) teaches converting information based on user preferences to XML format at the server.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
April 25, 2005


SAM RIMELL
PATENT EXAMINER